

ESTTA Tracking number: **ESTTA265753**

Filing date: **02/10/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Barbara Minto
Granted to Date of previous extension	02/21/2009
Address	215 Brooke Ave., Apt. 601 Norfolk, VA 23519 UNITED STATES

Correspondence information	Elizabeth A. Tedesco Kolisch Hartwell, P.C. 520 SW Yamhill St., Suite 200 Portland, OR 97204 UNITED STATES heidi@khpatent.com, tedesco@khpatent.com Phone:503-224-6655
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**Applicant Information**

Application No	79051480	Publication date	12/23/2008
Opposition Filing Date	02/10/2009	Opposition Period Ends	02/21/2009
International Registration No.	0957677	International Registration Date	01/24/2008
Applicant	CoachDynamix S.A. Rue de Junglinster L-6150 Altlinster LUXEMBOURG		

**Goods/Services Affected by Opposition**

Class 035. All goods and services in the class are opposed, namely: Advertising; business management; business administration; office functions; advice related to the afore-mentioned services
Class 036. All goods and services in the class are opposed, namely: Financial advice and consultancy services

**Grounds for Opposition**

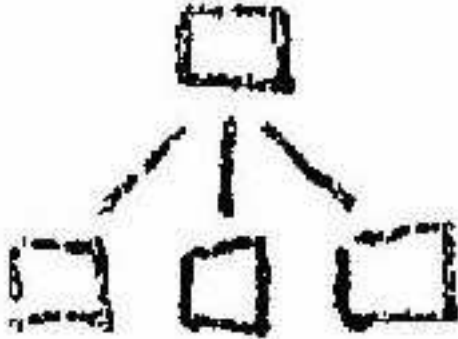
Priority and likelihood of confusion	Trademark Act section 2(d)
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**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	2207167	Application Date	10/17/1997
Registration Date	12/01/1998	Foreign Priority	NONE

		Date	
Word Mark	THE PYRAMID PRINCIPLE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1974/07/00 First Use In Commerce: 1974/07/00 computer programs, namely, software used as a tool for teaching people to write clear, concise and logical documents</p> <p>Class 016. First use: First Use: 1974/07/00 First Use In Commerce: 1974/07/00 workbooks for teaching people to write clear, concise and logical documents</p> <p>Class 041. First use: First Use: 1974/07/00 First Use In Commerce: 1974/07/00 educational services, namely, conducting seminars in the field of teaching people to write clear, concise and logical documents</p>		

U.S. Registration No.	3555775	Application Date	09/26/2006
Registration Date	01/06/2009	Foreign Priority Date	NONE

Word Mark	NONE
Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 016. First use: First Use: 1972/12/31 First Use In Commerce: 1972/12/31 workbooks directed to teaching people to write clear, concise and logical documents</p> <p>Class 041. First use: First Use: 1972/12/31 First Use In Commerce: 1972/12/31 educational services, namely, conducting seminars in the field of teaching people to write clear, concise and logical documents</p>

Attachments	77008058#TMSN.jpeg ( 1 page )( bytes ) Notice of Opposition 2-10-09.pdf ( 4 pages )(1088100 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Elizabeth A. Tedesco/
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Name	Elizabeth A. Tedesco
Date	02/10/2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

BARBARA MINTO,	)	
A UNITED STATES CITIZEN,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. _____
	)	
COACH DYNAMIX S.A.,	)	
A LUXEMBOURG CORPORATION	)	
	)	
Applicant.	)	
_____	)	

Trademark Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1451  
Alexandria, Virginia 22313-1450


Sir:

**NOTICE OF OPPOSITION**

In the matter of the application of CoachDynamix S.A. (“Applicant”), for registration of the mark shown in application Serial No. 79/051,480, published in the Official Gazette on December 23, 2008, Barbara Minto, a United States citizen, (“Opposer”), believes that she will be damaged by the use and registration of the mark shown in application Serial No. 79/051,480 (hereinafter “Applicant’s Mark”), and hereby opposes registration.


The grounds for opposition are as follows.

1. Opposer is a United States citizen residing at 215 Brooke Avenue, Norfolk, VA 23510.

2. Opposer has been engaged in the business of providing computer programs, workbooks, and educational services for teaching people to write clear, concise and logical documents, and other goods and services related thereto, throughout the United States and abroad under the mark THE PYRMID PRINCIPLE and the mark  since prior to Applicant's priority and filing date.


3. Opposer owns Registration No. 2,207,167 of the mark THE PYRAMID PRINCIPLE, which was filed on October 17, 1997, and which registered on December 1, 1998, for computer programs, namely, software used as a tool for teaching people to write clear, concise and logical documents; for workbooks for teaching people to write clear, concise and logical documents; and for educational services, namely, conducting seminars in the field of teaching people to write clear, concise and logical documents.

4. Opposer's Registration No. 2,207,167 of the mark THE PYRAMID PRINCIPLE is incontestable.

5. Opposer owns Registration No. 3,555,775 of the mark , which was filed on September 26, 2006, and which registered on January 6, 2009, for workbooks directed to teaching people to write clear, concise and



logical documents and for educational services, namely, conducting seminars in the field of teaching people to write clear, concise and logical documents.



6. Opposer uses the mark  in connection with computer programs, namely, software used as a tool for teaching people to write clear, concise and logical documents; for workbooks for teaching people to write clear, concise and logical documents; and for educational services, namely, conducting seminars in the field of teaching people to write clear, concise and logical documents.


7. The use of Opposer's marks has been valid and continuous since the dates of first use, and the mark has not been abandoned. Opposer's mark is symbolic of extensive good will and consumer recognition built up by Opposer through Opposer's use, substantial advertising, and promotion of its mark and the corresponding goods and services.



8. Notwithstanding Opposer's rights in and to its THE PYRAMID

PRINCIPLE mark, the  mark, and the  mark, Applicant, on January 24, 2008, filed an application for registration of Applicant's Mark for advertising, business management, business administration, office functions, and advice related to the aforementioned services. Applicant's application was given Serial No. 79/051,480, and was published for opposition in the Official Gazette of December 23, 2008.

9. Applicant's Mark, when used in connection with the goods set forth in its applications, is confusingly similar to Opposer's THE PYRAMID PRINCIPLE mark

and  mark, as set forth and protected by Opposer's above-identified use and

registrations, and to Opposer's  mark. Registration of Applicant's mark and use by it for its products is likely to cause confusion, mistake and deception among consumers. The marks are very similar in appearance, meaning, and commercial impression, and the goods are sufficiently similar that there would be a likelihood of such confusion, mistake and deception. Applicant's use of its mark may damage the goodwill and consumer recognition that Opposer has built up in its THE PYRAMID PRINCIPLE

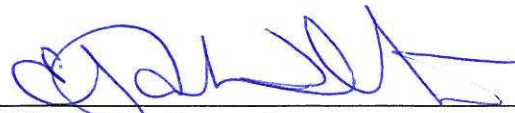
mark,  mark, and  mark.

10. WHEREFORE, Opposer believes that it will be damaged by the use and registration of Applicant's mark, and prays that registration be denied.

DATED this 10<sup>th</sup> day of February, 2009.

Respectfully submitted,

KOLISCH HARTWELL, P.C.



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